

# HOUSE BILL REPORT

## HB 1790

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### As Amended by the Senate

**Title:** An act relating to including domestic violence court order violations to the list of offenses eligible for notification.

**Brief Description:** Including domestic violence court order violations to the list of offenses eligible for notification.

**Sponsors:** Representatives O'Brien, Hurst, Dickerson, Orwall, Green, Morrell, Dammeier, Klippert, Walsh, Darneille, Kelley, Probst and Hudgins; by request of Department of Corrections.

**Brief History:**

**Committee Activity:**

Human Services: 2/9/09, 2/12/09 [DP].

**Floor Activity**

Passed House: 2/23/09, 97-0.

Senate Amended.

Passed Senate: 4/10/09, 47-0.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Adds violations of protection orders in domestic violence cases to the list of offenses eligible for notification by the Department of Corrections.</li></ul>
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### HOUSE COMMITTEE ON HUMAN SERVICES

**Majority Report:** Do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green, Klippert, Morrell, O'Brien and Walsh.

**Staff:** Linda Merelle (786-7092)

**Background:**

Victim Notification.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Department of Corrections (DOC) is required to send written notice of parole, release, community custody, work release placement, furlough, or escape to certain persons. With the exception of escape and emergency furloughs, such notice must be provided at least 30 days in advance. This notice requirement applies to offenders convicted of a violent offense, a sex offense, or felony harassment. The list of persons to whom the notice must be sent includes:

- the chief of police of the city in which the offender will reside or be placed in work release;
- the sheriff of the county in which the offender will reside or be placed in work release;
- the Washington State Patrol (sex offenders only);
- if notice has been requested in writing, to:
  - any victim or next of kin if the offense is a homicide;
  - a witness who testified against the offender in any court proceedings involving a violent offense;
  - a person specified by the prosecuting attorney; and
- any person who has requested notice, at least 60 days prior to release, about a sex offender.

Whenever the DOC mails notice and the notice is returned as undeliverable, the DOC shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number. The DOC shall also provide notification if there has been an escape and notification of recapture.

#### Statement of Rights of Victims and Witnesses.

Where a judgment and sentence was entered after October 1, 1983, the DOC shall provide victims, next of kin in the case of a homicide, and witnesses in the case of violent or sex offenses, a statement of the rights of victims and witnesses to request and receive notification.

#### Domestic Violence Court Orders.

A court may issue an order prohibiting contact between an offender and a victim or witness in an offense which involved an allegation of domestic violence. The court may issue such an order while a criminal matter alleging domestic violence is pending or upon sentencing. A violation of such an order, which is often called a protection order, is a gross misdemeanor. In certain cases, a violation of the order accompanied by other criminal behavior, such as an assault, which does not amount to first or second degree, or reckless conduct, will elevate the seriousness level of the offense to a class C felony. The offense will also be classified as a class C felony if the defendant has two or more convictions for violating a protection order. As a class C felony, the offense would be punishable by a sentence range of zero to 12 months in jail, a fine of up to \$10,000, or both.

#### **Summary of Bill:**

The DOC's victim and witness notification program is expanded to include notification regarding offenders convicted of violating a protection or no-contact order in a domestic violence protection case. The bill clarifies that both victims and witnesses in cases involving homicide and violent offenses shall receive a statement of rights of victims and witnesses to

request and receive notification for offenses for which a judgment and sentence was entered after October 1, 1983.

**EFFECT OF SENATE AMENDMENT(S):**

Removes statutory reference regarding the date of a given judgment and sentence which is no longer applicable in current law.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on August 1, 2009.

**Staff Summary of Public Testimony:**

(In support) Many homicide victims are, first, victims of domestic violence. The addition of domestic violence offenses to the list of offenses for which the DOC provides notification allows information to be provided so that the victim can take appropriate action.

(Opposed) None.

**Persons Testifying:** Representative O'Brien, prime sponsor; and Steve Eckstrom, Department of Corrections, Victim Services Program.

**Persons Signed In To Testify But Not Testifying:** None.